

CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION UNDER 37 CFR § 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is:

___ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below, or

X being transmitted via EFS.

/Mark C. Johnson/
Mark C. Johnson

03/28/07
Date

Attorney Docket No. HORA.P0101US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant:	Horace W. Hale et al.	Serial No:	10/651,871
Filed:	August 29, 2003	Examiner:	Annette R. Reimers
Title:	FACET IMPLANT	Art Unit:	3733

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 7, 2007, of the Primary Examiner finally rejecting claims 1-20 and 41-48.

Applicant is:

<u>X</u>	a small entity	_____	other than a small entity
	\$250.00 Fee		\$500.00 Fee

Fee Payment:

_____	Attached is a check covering the aforesaid fee
<u>X</u>	Enclosed is a credit card payment form covering the aforesaid fee
_____	Not required (fee paid in prior appeal in this application)
_____	Charge fee to Deposit Account No. 18-0988 under Attorney Docket No. HORA.P0101US.

The Commissioner is authorized to charge any additional fee which may be required by this notice, or credit any overpayment, to Deposit Account No. 18-0988 under Docket No. HORA.P0101US.

Respectfully submitted,

/Mark C. Johnson/
Mark C. Johnson, Registration No. 51,854
RENNER, OTTO, BOISSELLE & SKLAR, L.L.P.
1621 Euclid Ave. - 19th Floor
Cleveland, Ohio 44115
(216) 621-1113